

Exhibit “1”

DECLARATION OF DOUG CLARK PURSUANT TO 28 U.S.C. 1746 IN SUPPORT OF
PLAINTIFF'S MOTION FOR RELIEF FROM ORDER AND JUDGMENT
PURSUANT TO FED.R.CIV.P. 60(b)(1)

DOUG CLARK declares as follows:

1. I am an adult and am competent to make the following declaration and statements of fact of my own personal knowledge, except as to those statements made upon information and belief, and as to those matters, I believe them to be true.

2. I perform services as a law clerk for Attorney Thomas S. Shaddix for certain of his clients involved in active litigation. One of those clients of Mr. Shaddix's is Nathaniel Shapiro, Plaintiff in this litigation.

3. In the course of those services, I often conduct legal research for Mr. Shaddix's review and approval. Additionally, because of Mr. Shaddix's busy law practice, there are times in which I am asked to perform duties such as calendaring due dates for pleadings. Plaintiff Nathaniel Shapiro is one such case in which I calendared a due date for an Opposition. I was aware that there had been a stipulation and order agreed by the parties, and approved by this Honorable Court, to extend the date until May 10, 2018 for an initial responsive pleading for the Part2 Pictures Defendants, as well as Defendants Cable News Network, Inc. and Lisa Ling. I was aware that the stipulation and order extended the time for the said Defendants to file their initial pleading for approximately a month since the date of execution by counsel.

4. On May 10, 2018, the Part2 Pictures Defendants, as well as Defendants Cable News Network, Inc. and Lisa Ling, through local counsel, filed a Motion to Dismiss various causes of action in which they were alleged to be liable. Mr. Shaddix forwarded the same to me via email, and requested that I calendar the same for Opposition. I read the Motion to Dismiss in detail and made multiple notes. Thereafter, I calendared the Opposition due date for 21 days, May 31, 2018. This was clearly an error on my part, as the Opposition should have been calendared for 14 days, not 21 days, and due on May 25, 2018.

5. I inadvertently and mistakenly used the due date for a motion for summary judgment

1 in the District of Nevada. A motion for summary judgment, like a motion to dismiss, is also a
2 dispositive motion.

3 6. I wish to make it clear that this was my error, and my error alone, ***for which I take***
4 ***full and complete responsibility***. Attorney Shaddix has worked too diligently on this litigation, and
5 Plaintiff Shapiro has invested quite a substantial sum of money for the same, for me in good
6 conscious but to be anything but forthright with the Court and admit my certainly unintentional, but
7 nevertheless regrettable error.

8 7. As I was preparing to e-file the Opposition for Mr. Shaddix on May 31, 2018, I
9 inescapably became aware that the Court had entered an Order of Dismissal and Judgment in the
10 case on May 29, 2018. *I was horrified, shocked and greatly disturbed when I realized what had*
11 *happened.*

12 8. As I was bound to do, by morality, ethics and my sense of duty, I informed Attorney
13 Shaddix of the situation as soon as I could reach him. I immediately began to investigate Plaintiff
14 Shapiro's options in this matter, as did Attorney Shaddix, and we met and spoke on the telephone
15 a number of times to discuss the same.

16 9. I wish I could undo this error, however Plaintiff Shapiro's Motion for Relief from
17 Order and Judgment pursuant to Fed.R.Civ.P. 60(b)(1) to which this declaration is attached as
18 Exhibit "1" is a good faith attempt to rectify this situation.

19 10. Again, I wish to reiterate that I assume full responsibility for this situation, and I
20 guarantee the Court that any further work I do should the instant motion be granted, I will double
21 and triple check the Local Rules to be absolutely sure there is no deviation from the same.

22 11. That pursuant to the provisions of 28 U.S.C. 1746, I hereby declare under penalty
23 of perjury pursuant to the laws of the United States of America that the foregoing is true and correct
24 of my own personal knowledge, except as to those statements made upon information and belief,
25 and as to those matters, I believe them to be true.

26 Executed this 20th day of June, 2018 at Las Vegas, Nevada.

27 
28 DOUG CLARK